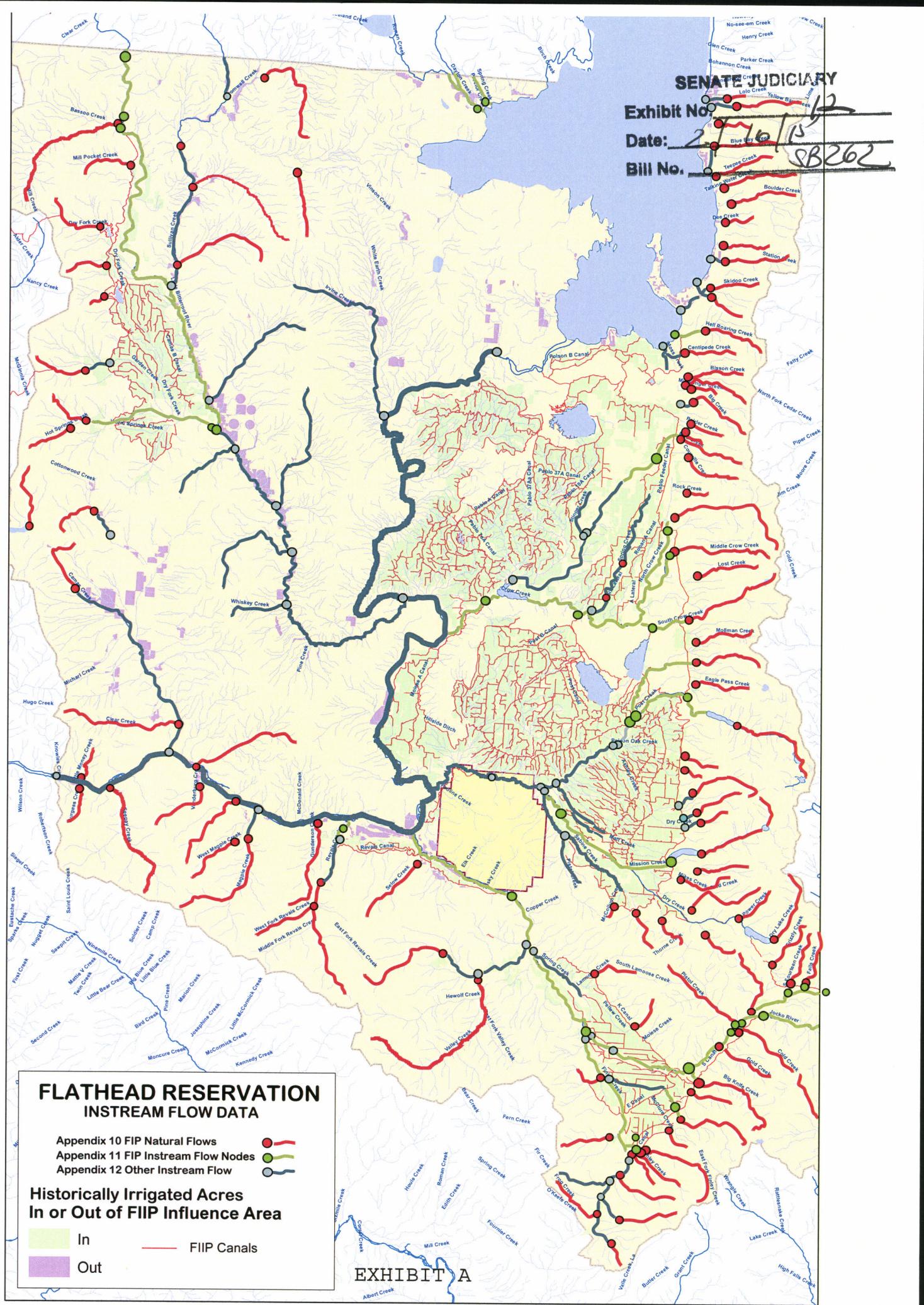


SENATE JUDICIARY

Exhibit No. 12

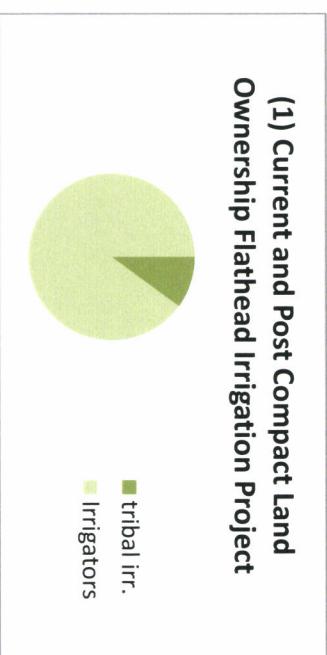
Date: 6/15/15

Bill No. SB262

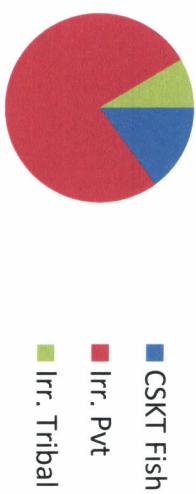


CSKT COMPACT TAKINGS AND CONVERSION OF AGRICULTURAL WATER TO INSTREAM FLOW

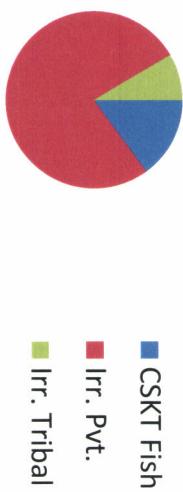
(1) Current and Post Compact Land Ownership Flathead Irrigation Project



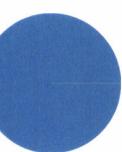
(2) Current Water Rights Ownership, Flathead Irrigation Project



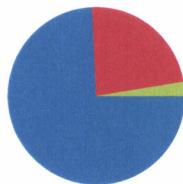
(3) Current Water Distribution, Flathead Irrigation Project



(4) Post-Compact Water Right Ownership, Flathead Irrigation Project

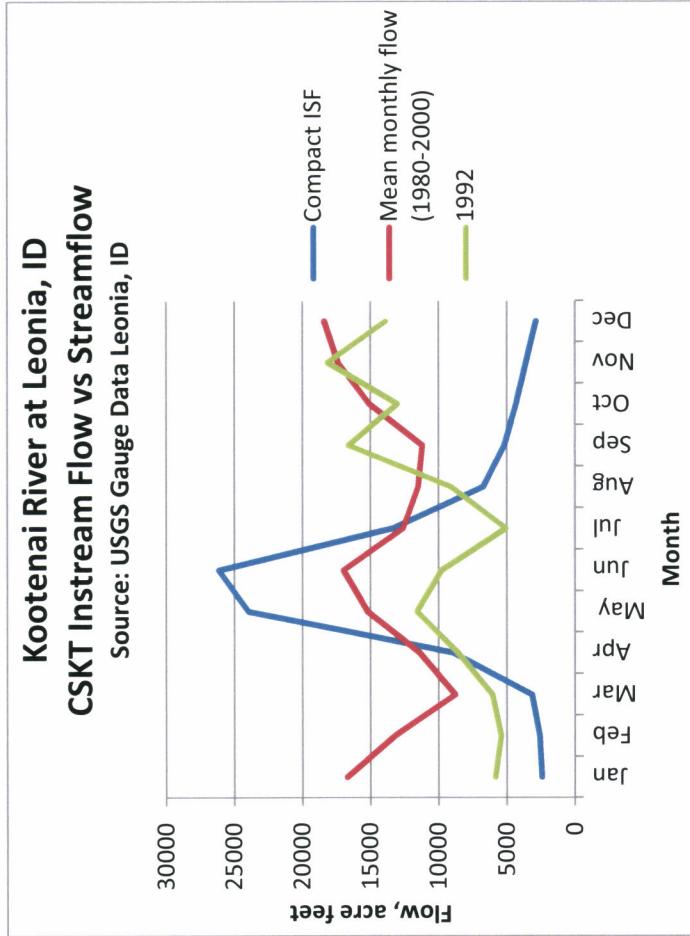


(5) Post-Compact Water Distribution, Flathead Irrigation Project



Notes and Sources: (1) current and post-compact land ownership: Tribal irrigation 12,824 ac; Non-Tribal irrigation 115, 418 ac [BIA project report 2014] (2) current water rights ownership: Tribal irrigation 17, 964 acre feet/year; Non-Tribal 534,638 acre feet/year; CSKT Interim instream flow (fish) 104,98 [BIA Project report 2013]; (3) Current water distribution [BIA project report 2013]; (4) post compact water rights ownership [Compact Article II]; Appendix 5, 15]; (5) Post Compact Water Distribution [Compact Article III, Appendix 10, 11,12]. @MLWA 2015

KOOTENAI RIVER CONVERSION OF AGRICULTURAL WATER USE TO INSTREAM FLOW



Kootenai River CSKT Instream Flows, Mean Monthly Flows, and Drought Year Flows

Month	Mean Monthly Flow (1980-2000) (cfs)	Tribal instream flow claim (cfs)	Average Year Deficit (cfs)	Tribal Instream Flow as a Percentage of Mean Monthly Flow	1988 Drought Year Flow (cfs)	Drought Year Deficit (cfs)
April	11,400	8,978		78%	10,130	
May	15,200	23,950	-8,750	157%	8,380	-15,570
June	17,000	26,128	-9,128	152%	5,898	-20,230
July	12,600	13,351	-751	105%	4,139	-9,212
August	11,500	6,732	53%	58%	4,540	-2,192

Because the point of administration on the Kootenai is located across the state line in at Leonia, Idaho, the instream flow establishes a subliminal equitable apportionment of Kootenai River flows between Montana and Idaho, without either of the two states knowingly participating. The Kootenai Tribe of Idaho, who operate a casino at Bonners Ferry, Idaho, would benefit. Also, with respect to the Lower Clark Fork River, with the point of administration being below Cabinet Gorge Dam in Idaho, the same thing would be true. The Lower Clark Fork drains about 22,000 acres in western Montana; in Idaho, the Lower Clark Fork Subbasin comprises 247 square miles between the state line and where it discharges into Lake Pend d'Oreille. The Lower Clark Fork is the lake's largest tributary, contributing 92% of the annual recharge to Lake Pend d' O'reille in Idaho. The casino is located at the northern end of the lake. ©MLWA 2015

CSKT Water Compact - Off Reservation Water Rights Claims

